

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT

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LARRY E. RAMIREZ,

)

Case No. 2:05CV00042 DS

Plaintiff,

)

vs.

)

MEMORANDUM OPINION
AND ORDER

THE CITY OF WEST VALLEY,
ET AL.,

)

Defendants.

)

* * * * *

Plaintiff Larry E. Ramirez moves (Doc. #85 & #89) the court to continue or stay the dates set forth in the Fourth Amended Scheduling Order entered on May 9, 2008, including the trial of this civil rights matter which is set for December 2, 2008. The basis of Plaintiff's Motions is that he is in custody and has limited opportunity to prepare his claims, including development of discovery, witnesses and legal argument.

As Defendants correctly note in opposing Plaintiff's Motions, he offers no explanation why he cannot participate in written discovery. Or, in the Court's view, why he cannot generally develop his claims while incarcerated. Plaintiff states that he is due to be released on September 22, 2008. Because trial of this matter is not scheduled until December 2, 2008, it is the Court's opinion that Plaintiff has, and will have, sufficient opportunity to adequately prepare his case prior to the scheduled trial date. Additionally, as Defendants further note, this matter instigated by

Plaintiff has been pending since January 14, 2005. It was continued pending resolution of Plaintiff's criminal case, and continued again to allow Plaintiff to secure counsel, or to enter his own appearance, when his prior civil counsel withdrew.

Based on the record before the Court, further delay is unwarranted and would be prejudicial to Defendants. Therefore, it is ordered that Plaintiff's Motions to Continue or Stay are denied.

DATED this 2nd day of July, 2008.

BY THE COURT:



DAVID SAM
SENIOR JUDGE
UNITED STATES DISTRICT COURT